

## **REMARKS**

Upon entry of the instant Response and Amendment, Claims 2-22, 24-26 and 28 will remain pending in this application.

In the Office Action mailed September 4, 2008, applicants note with appreciation the Examiner's indication of allowable subject matter of Claims 22, 24 and 25. In that same Office Action, Claims 1-19 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over WO 03/083207 in the name of Pyles et al. in view of U.S. Pat. No. 4,320,939 issued to Mueller. Claims 20 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over WO 03/083207 in the name of Pyles et al. in view of U.S. Pat. No. 4,320,939 issued to Mueller and further in view of U.S. Pat. No. 5,846,607 issued to Hurley et al. Claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over WO 03/083207 in the name of Pyles et al. in view of U.S. Pat. No. 4,320,939 issued to Mueller and further in view of U.S. Pat. No. 3,045,315 issued to Dusenbury. The Examiner made those rejections FINAL.

### **Rejections under 35 U.S.C. §103(a) as being rendered unpatentable over Pyles et al. in view of Mueller**

Claims 1-19 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WO 03/083207 in the name of Pyles et al. in view of U.S. Pat. No. 4,320,939 issued to Mueller. Beginning at page 2 of the instant Office Action, the Examiner states,

**As to Claim 1**, Pyles teaches a method of treating a plastic article comprising:

- (a) providing a thermoplastic or thermoset article (page 3, lines 1 - 13)
- (b) contacting the article with a composition consisting of a dye and water used in an amount of 50 to 85 percent (page 5, lines 2-6), at least one carrier having the claimed formula used in an amount of 20 percent (page 5, lines 7-15), and a diol used in an amount from 10 to 25 percent (page 5, lines 16-3 l), which reads on the claimed invention.
- (c) maintaining contact to form a treated article (page 9, line 17)
- (d) removing (inherent)

Pyles is silent to the optical brightening agent. However, Mueller teaches that it is known to provide fluorescent dyes (2:60-3:3), which are optical brightening agents, on optical elements.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Mueller, namely the use of a fluorescent or optical brightening dye, into the process of Pyles because (a) Pyles suggests dyes generally, and Mueller provides a dye, or (b) Mueller suggests that the dye be used in a coating system such as a wash solution or as a coating (4:5-25), which suggests use in the process of Pyles.

**As to Claim 2**, see Pyles, page 9, line 6.

**As to Claims 3-4**, see Pyles, page 9, line 6.

**As to Claim 5**, see Pyles, page 9, line 13.

**As to Claims 6-7**, see Pyles, page 5, lines 1-35.

**As to Claims 8-13**, see Pyles, pages 5 and 7.

**As to Claims 14-19**, see Pyles, page 5, line 34 and page 3.

**As to Claim 28**, see Pyles, page 9, lines 7-9.

Applicants respectfully disagree with the Examiner's contention regarding the combined teaching of the cited art. However, in the interest of advancing prosecution of the instant application, Claim 1 has been cancelled and the remaining claims, including Claims 1-19 and 28, amended to be dependent upon Claim 22. Given the Examiner's indication of allowability of Claim 22, Applicants contend that those claims dependent upon Claim 22 are also patentable.

Therefore, Applicants respectfully request the Examiner reconsider and reverse his rejection of Claims 1-19 and 28 under 35 U.S.C. §103(a) as being unpatentable over WO 03/083207 in the name of Pyles et al. in view of U.S. Pat. No. 4,320,939 issued to Mueller.

**Rejections under 35 U.S.C. §103(a) as being rendered unpatentable over Pyles et al. in view of Mueller and further in view of Hurley et al.**

Claims 20 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WO 03/083207 in the name of Pyles et al. in view of U.S. Pat. No. 4,320,939 issued to Mueller and further in view of U.S. Pat. No. 5,846,607 issued to Hurley et al. At page 4 of the instant Office Action, the Examiner states,

**As to Claims 20 and 21**, the Examiner asserts that a molded article (Pyles, Abstract) could fulfill the limitation drawn to a pellet. However, in the alternative, Hurley teaches that it is known to provide an additive coating comprising a pigment onto thermoplastic pellets (4: 14-20), and to subsequently to melt the treated pellet to form a molten composition and introducing the molten composition into a mold (these aspects are inherent in injection molding, 11:7). It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Hurley into that of Pyles because doing so would (1) allow incorporation of the pigments or other materials into the body of a product and (2) eliminate defects such as inhomogeneity which are especially apparent when color is avoided (3:57-6 1).

Applicants respectfully disagree with the Examiner's contention regarding the combined teaching of the cited art. However, in the interest of advancing prosecution of the instant application, Claim 1 has been cancelled and the remaining claims, including Claims 20 and 21, amended to be dependent upon Claim 22. Given the Examiner's indication of allowability of Claim 22, Applicants contend that those claims dependent upon Claim 22 are also patentable.

Therefore, Applicants respectfully request the Examiner reconsider and reverse his rejection of Claims 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over WO 03/083207 in the name of Pyles et al. in view of U.S. Pat. No. 4,320,939 issued to Mueller and further in view of U.S. Pat. No. 5,846,607 issued to Hurley et al.

**Rejections under 35 U.S.C. §103(a) as being rendered unpatentable over Pyles et al. in view of Mueller and further in view of Dusenbury**

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over WO 03/083207 in the name of Pyles et al. in view of U.S. Pat. No. 4,320,939 issued to Mueller and further in view of U.S. Pat. No. 3,045,315 issued to Dusenbury. At page 4 of the instant Office Action, the Examiner states,

**As to Claim 26**, Pyles does teach immersion (dyeing bath, Abstract), but Pyles is silent to the plate. However, Dusenbury teaches that it is known to immerse articles in a bath where the treatment composition is introduced into the immersion tank through a plate having a plurality of perforations (Figure). It would have been *prima facie* obvious to one of ordinary skill in

the art at the time of the invention to incorporate the method of Dusenbury into that of Pyles in order to maintain a constant temperature and liquid level (1:10-52).

Applicants respectfully disagree with the Examiner's contention regarding the combined teaching of the cited art. However, in the interest of advancing prosecution of the instant application, Claim 1 has been cancelled and the remaining claims, including Claim 26, amended to be dependent upon Claim 22. Given the Examiner's indication of allowability of Claim 22, Applicants contend that those claims dependent upon Claim 22 are also patentable.

Therefore, Applicants respectfully request the Examiner reconsider and reverse his rejection of Claim 26 under 35 U.S.C. §103(a) as being unpatentable over WO 03/083207 in the name of Pyles et al. in view of U.S. Pat. No. 4,320,939 issued to Mueller and further in view of U.S. Pat. No. 3,045,315 issued to Dusenbury.

### **Claim Objections**

Claims 22, 24 and 25 are objected to as being dependent upon a rejected base claim. The Examiner indicates at page 2 of the instant Office Action that these claims would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Applicants have so rewritten Claims 22, 24 and 25, and respectfully request the Examiner remove his objection thereto.

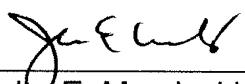
## CONCLUSION

Applicants have amended Claims 2, 3, 5, 6, 8, 10, 14-16, 18, 20, 22, 24-26 and 28 and have cancelled Claim 1. Such claim amendments add no new matter and find support in the specification.

Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 2-22, 24-26 and 28. If the Examiner is of the opinion that the instant application is in condition for other than allowance, he is invited to contact the Applicants' attorney at the telephone number listed below, so that additional changes to the claims may be discussed.

Respectfully submitted,

By

  
John E. Mrozinski, Jr.  
Attorney for Applicants  
Reg. No. 46,179

  
Date Of Signature

Bayer MaterialScience LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3024  
FACSIMILE PHONE NUMBER:  
(412) 777-3902

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